



#518
271/140
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Flugelman, Moshe

Serial No.: 09/620,277²²⁷

Filed: July 20, 2000

For: Artificial Vascular Grafts and Method
of Producing and Using Same

Group Art Unit: 3738

Examiner: Thomas C. Barrett

Commissioner of Patents
U.S. Patent and Trademark Office
Washington, DC 20231-0001

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RESPONSE TO OFFICE ACTION

With regard to the Restriction Requirement mailed December 1, 2001, applicant elects, with traverse, Group I, claims 1 – 12 and 52 – 55, directed to an artificial vascular graft using transformed endothelial cells and its use, classified in class 623, subclass 1.1.

REMARKS

Examiner's basis for restriction

The examiner has required an election between Group I and Group III, which is directed to a method for producing an artificial graft, classified in class 435, subclass 41. The examiner is of the opinion that the groups represent distinct inventions. As noted by the examiner, to restrict a device claim from a process claim requires that one of two tests be met: (1) the process as claimed can be used to make other materially different product; or, (2) the product as claimed can be made by another and materially different process. The examiner was of the opinion that the process could be used to make

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(37 C.F.R. §1.10)

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